

2-5A-191(a)(1)(2)]

CR.NO. 105CR-247-2 46

) [18 USC 641; 18 USC 13; Code of

) Ala. 28-1-5; 32-5A-191(a)(1)(2)

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INFORMATION

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COUNT I

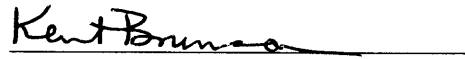
COUNT II

On or about the 5th of August 2005, at Fort Rucker, Alabama, in the Middle District of Alabama, MIKEL BRETT ELMORE, did unlawfully operate a motor vehicle while there was 0.08 percent or more by weight of alcohol in his blood and did unlawfully operate a motor vehicle while under the influence of alcohol in violation of Title 32, Section 5A-191(a)(1) and (2), Code of Alabama 1975, and Title 18, Section 13, United States Code.

COUNT III

On or about the 5th of August 2005, at Fort Rucker, Alabama, in the Middle District of Alabama, MIKEL BRETT ELMORE, an individual under the age of 21, did unlawfully possess and consume alcoholic beverages, in violation of Title 28-1-5, Code of Alabama 1975, and Title 18, Section 13, United States Code.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY



KENT B. BRUNSON
ASSISTANT UNITED STATES ATTORNEY



SEAN P. TARANTINO
IL BAR NO.:6279909
SPECIAL ASSISTANT U.S. ATTORNEY
Office of the Staff Judge Advocate
Soldier Service Center, Bldg. 5700
Fort Rucker, Alabama 36362-5000
(334) 255-9141

STATE OF ALABAMA)
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DALE COUNTY)

AFFIDAVIT

The undersigned, being first duly sworn, deposes and says:

I am a Military Policeman at Fort Rucker, Alabama. At approximately 11:52 P.M., on August 6, 2005, while operating stationary radar, I observed a vehicle traveling at a high rate of speed, verified by Genesis II Radar as 46 mph in a posted 30 mph zone. I conducted a traffic stop and made contact with MIKEL BRETT ELMORE. While speaking with ELMORE, I detected the odor of an alcoholic beverage and noticed his speech was slurred. ELMORE was asked to perform several field sobriety tests, all of which he failed. ELMORE was apprehended for DUI and transported to the Military Police Station. MIKEL BRETT ELMORE was administered a breathalyzer test, which revealed a 0.14% blood alcohol content. Upon inspection of ELMORE's identification, I also discovered that he was under the age of 21. In my opinion as a law enforcement officer, MIKEL BRETT ELMORE was under the influence of alcohol at the time of this offense.



DAVID C. WILSON, SGT, U.S. ARMY

Subscribed and sworn to (or affirmed) before me on this 12th day of Sept 2005.



NOTARY PUBLIC

My commission expires: 23 DEC 2006

STATE OF ALABAMA

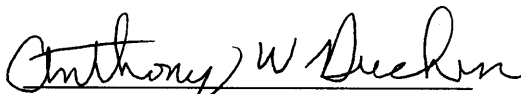
DALE COUNTY

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AFFIDAVIT

The undersigned, being duly sworn, deposes and says:

I am a Military Police officer at Fort Rucker, Alabama. Investigation revealed that, on the 9th of June 2005, at approximately 6:34 pm, MIKEL BRETT ELMORE stole one (1) pair of sunglasses from building 9214, the Fort Rucker Main Post Exchange (PX), Fort Rucker, Alabama. MIKEL BRETT ELMORE was observed by Linda Scott, an employee of the PX, pulling on the tag of a pair of sunglasses. MIKEL BRETT ELMORE was later observed burning the tag with a lighter and placing the tag on a sunglasses rack. MIKEL BRETT ELMORE later placed the sunglasses on his shirt and exited the store without rendering proper payment. When approached by a PX employee, ELMORE broke the sunglasses. MIKEL BRETT ELMORE was apprehended, taken to the MP station, and advised of his rights, which he waived, providing a sworn statement admitting to the offense. He was further processed, and released. The approximate value of the sunglasses was \$22.00.



ANTHONY W. DUCHENE

PFC, MP

U.S. Army

Subscribed and sworn (or affirmed) before me this, the 9 day of Sept. 2005.



NOTARY PUBLIC

My commission expires: 23 DEC 2006